



State of West Virginia
Office of the Attorney General

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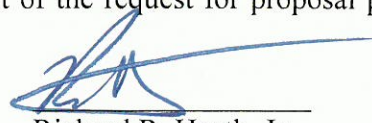
**WRITTEN DETERMINATION REGARDING THE APPOINTMENT
OF OUTSIDE COUNSEL ON BEHALF OF
THE WEST VIRGINIA TREASURER'S OFFICE**

The West Virginia Treasurer's Office (hereinafter "Treasurer" or "State Treasurer's Office") is in need of legal representation to assist with pending litigation relating to a contractual dispute involving issues of indemnity stemming from an alleged scheme to electronically divert state funds into fraudulent accounts. More specifically, the Treasurer is seeking assistance in the case of *State of West Virginia v. Wachovia Bank, N.A., et al.*, Civil Action No. 10-C-31, which is currently pending in Lincoln County Circuit Court.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to assist with the legal matters in question, based on the following factors:

- There is a particular desire for legal representation with additional litigation background and experience to assist the Attorney General's Office with the legal matter in question.
- The matter at issue requires particular and specialized expertise in complex issues of payments, electronic banking and indemnity arising out of state contracts, and would benefit from the assistance of outside counsel.
- Lincoln County is the geographic area where many of the legal services will be performed, with any and all remaining services to likely be performed in Kanawha County.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services without the assistance of outside counsel at this time.

Accordingly, the Attorney General authorizes the appointment of outside counsel in the current legal matter pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.



Richard R. Heath, Jr.
Deputy Attorney General

Date Signed: April 11, 2014